



Order Filed on June 8, 2018 by  
Clerk U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY <b>Caption in Compliance with D.N.J. LBR 9004-1</b>	
<b>PORZIO, BROMBERG &amp; NEWMAN, P.C.</b> 100 Southgate Parkway P.O. Box 1997 Morristown, New Jersey 07962 (973) 538-4006 (973) 538-5146 Facsimile Warren J. Martin Jr., Esq. ( <a href="mailto:wjmartin@pbnlaw.com">wjmartin@pbnlaw.com</a> ) Kelly D. Curtin, Esq. ( <a href="mailto:kdcurtin@pbnlaw.com">kdcurtin@pbnlaw.com</a> ) Rachel A. Parisi, Esq. ( <a href="mailto:raparisi@pbnlaw.com">raparisi@pbnlaw.com</a> ) <i>Proposed Counsel to Debtors</i>	
In Re:	Case No.: 18- 19054 (JNP)
Garces Restaurant Group, Inc., d/b/a Garces Group, <i>et al.</i> , <sup>1</sup>	(Jointly Administered)
Debtors.	Chapter: 11
Garces Restaurant Group, Inc., d/b/a/ Garces Group, <i>et al.</i> ,	Judge: Jerrold N. Poslusny, Jr.
Plaintiffs,	Adversary No. 18-01269 (JNP)
v.	
American Express National Bank f/k/a American Express Bank, FSB and American Express Travel Related Services Company, Inc.	
Defendants.	

**ORDER TO SHOW CAUSE FOR A TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY INJUNCTION**

**DATED: June 8, 2018**

<sup>1</sup> The Debtors in these cases and the last four digits LLC d/b/a Village Whiskey (7079); GRGAC3, LL Garces Group (0697); Latin Valley 2130, LLC; La Catering (3791); Latin Quarter Concepts, LLC d/b LLC d/b/a Volver (0347); GRG2401, LLC (7222) (0475); GRGDC2, LLC d/b/a Latin Market (8878) LLC (9937).

  
Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

**THIS MATTER** having been brought before the Court by the Plaintiffs in the above-captioned adversary proceeding, through their proposed counsel, by Order to Show Cause seeking a temporary restraining order and preliminary injunction pursuant to Bankruptcy Rule 7065 and Local Bankruptcy Rule 7065-1, and upon the Verified Complaint, Memorandum of Law, and other supporting documents submitted herewith, and it appearing from the Verified Complaint that the Defendants are seizing, offsetting and/or otherwise converting to their own use in repayment of prepetition debt, 100% of the Debtors' post-petition customer revenues resulting from customers' usage of American Express credit cards, and the Court having determined that good and sufficient reasons exist to proceed by way of Order to Show Cause, and for good cause shown.

**IT IS** on this 8 day of June, 2018,

**ORDERED** that the Defendants appear and show cause on the 11 day of June, 2018, before the United States Bankruptcy Court for the District of New Jersey, Honorable Jerrold N. Poslusny, Jr., at the Mitchell H. Cohen U.S. Courthouse, 400 Cooper Street, 4<sup>th</sup> Floor, Camden, N.J. 08101, Courtroom 4C, at 10:00 a.m., or as soon thereafter as counsel can be heard, why an Order should not be entered:

1. Enjoining and restraining the Defendants from collecting more than the 12% Repayment Rate permitted under the terms of the Business Loan and Security Agreement between the Contract Debtors<sup>2</sup> and Amex Bank dated August 9, 2017;

2. Enjoining and restraining the Defendants from applying any monies received from the Debtors post-petition in excess of the 12% Repayment Rate to prepetition debts allegedly owed by the Plaintiffs;

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<sup>2</sup> Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to them in the Verified Complaint.

3. Requiring the Defendants to turnover any monies belonging to the Debtors that were obtained post-petition in excess of the 12% Repayment Rate to satisfy any alleged prepetition debt, including funds totaling \$156,050.20; and

4. Granting such other relief as the Court deems equitable and just.

And it is further **ORDERED** that pending further hearing on this Order to Show cause, the Defendants shall be and hereby are temporarily restrained and enjoined from:

5. Collecting more than the 12% Repayment Rate permitted under the terms of the Business Loan and Security Agreement between the Contract Debtors and Amex Bank dated August 9, 2017.

6. Applying any monies received from the Debtors post-petition in excess of the 12% Repayment Rate to prepetition debts allegedly owed by the Plaintiffs.

7. A copy of this Order to Show Cause, Verified Complaint, and any supporting documents shall be served upon the Defendants via overnight courier service.

8. Defendants shall be responsible for the costs of this Order.